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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JASON PAUL CHESTER,

9 Plaintiff,

10 v.

11 U.S. GOVERNMENT JUDICIAL
12 BRANCH, et al.,

13 Defendants.

CASE NO. C12-5521 BHS

ORDER DISMISSING
COMPLAINT WITH PREJUDICE
AND DENYING PLAINTIFF'S
MOTION TO PROCEED IN
FORMA PAUPERIS

14 This matter comes before the Court on Plaintiff Jason Paul Chester's ("Chester")
15 motion to proceed in forma pauperis (Dkt. 1) and complaint (Dkt. 1-1).

16 On June 18, 2012, Chester filed the instant motion and complaint. Chester alleges
17 that he is the victim of statutory fraud because he is unable to file a criminal complaint.

18 A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when
19 it is clear that the Plaintiff has not stated a claim upon which relief may be granted. *See*
20 *Omar v. Sea Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) ("A trial court may
21 dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6) Such a dismissal may be
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1 made without notice where the claimant cannot possibly win relief.”). *See also* *Mallard*
2 *v. United States Dist. Court*, 490 U.S. 296, 307–308 (1989) (there is little doubt a federal
3 court would have the power to dismiss frivolous complaint *sua sponte*, even in absence of
4 an express statutory provision). A complaint is frivolous when it has no arguable basis in
5 law or fact. *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

6 In this case, Chester’s complaint is frivolous because it has no arguable basis in
7 law or fact. Chester has no authority to file a criminal complaint, and the clerk’s refusal
8 to accept his criminal complaint is not a claim upon which relief may be granted.

9 Therefore, the Court **DISMISSES** Chester’s complaint **with prejudice**. The Court also
10 **DENIES** Chester’s motion to proceed in forma pauperis as **moot**.

11 Dated this 26th day of June, 2012.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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